IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4014 of 2006 (O&M)
DATE OF DECISION: 31.8.2006

United India Insurance Company Ltd.

...Appellant

versus

Mukesh and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.H.D.Bhardwaj, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the Insurance Company against an award dated 15.3.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Rewari, in MACT Case No.107 of 2002, awarding a sum of Rs.4,03,500/- in death case of a young man of 35 years, said to be a shopkeeper, admittedly, the Insurance Company was not granted permission under Section 170 of the Motor Vehicles Act, 1988 (for short `the Act') to contest the case on merits.

Learned counsel assailed the award on the ground that the driving licence was fake.

We have carefully perused the award. From para No.26 of the award, it appears that only a communication was placed on record, which has not been proved. It appears that the Insurance Company has not discharged the onus. That apart, refiling of the appeal is barred by 376 days' delay. Looking at the explanation, we take a considerate view to condone the said delay.

Accordingly, delay in refiling of the appeal is condoned and the appeal is dismissed on merits at the threshold.

(UMA NATH SINGH)
JUDGE

August 31, 2006 **(MAHESH GROVER)**
pk **JUDGE**